

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

|                                |   |   |
|--------------------------------|---|---|
| Jody Lynn Wiedenbeck,          | ) | Civil Action No. 5:20-cv-01434-DEP          |
| <i>Plaintiff,</i>              | ) |   |
|                                | ) |   |
| vs.                            | ) |   |
|                                | ) |   |
| Kilolo Kijakazi <sup>1</sup>   | ) | Stipulation – Document Filed Electronically |
| Acting Commissioner of the     | ) |   |
| Social Security Administration | ) |   |
| <i>Defendant.</i>              | ) |   |

**Consent Order for Payment of Fees under the Equal Access to Justice Act**

IT IS HEREBY STIPULATED AND AGREED by the undersigned attorneys for the parties in the above-titled action that Plaintiff be awarded attorney fees and expenses under the Equal Access to Justice Act (EAJA) (28 U.S.C. § 2412) in the amount of seven thousand six hundred dollars and zero cents (\$7,600.00) to be paid by Defendant, as well as four hundred dollars (\$400.00) in costs to be paid by the Judgment Fund of the U.S. Department of Treasury.

The award of attorney fees will satisfy all of Plaintiff's claims for fees, costs, and expenses under 28 U.S.C. § 2412 in this case. Any fees paid belong to Plaintiff and not to his attorney and can be offset to satisfy pre-existing debt that Plaintiff owes the United States. Astrue v. Ratliff, 560 U.S. 586 (2010). After the Court enters this award, if Defendant can verify that Plaintiff owes no preexisting debt subject to offset, Defendant agrees to make the award payable to the Plaintiff's attorney pursuant to the EAJA assignment signed by Plaintiff and counsel.

AND, the Court having reviewed the record in this matter;

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<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

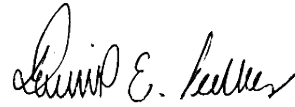
IT IS on this 31st day of August, 2022;

ORDERED that Plaintiff be awarded fees under EAJA in the amount of \$7,600.00, and that the fees are payable to the Plaintiff.

ORDERED that Plaintiff be awarded costs of \$400.00 to be paid by the Judgment Fund of the U.S. Department of Treasury, and that the costs are payable to the Plaintiff.

ORDERED that this award will fully and completely satisfy any and all of Plaintiff's claims for fees under 28 U.S.C. § 2412, and costs under 28 U.S.C. § 1920 and Fed. R. Civ. P. 54(d)(1).

ORDERED that the within matter be dismissed with prejudice.



HON. DAVID E. PEEBLES  
UNITED STATES MAGISTRATE JUDGE

The undersigned hereby consent to the form and entry of the within order.

Dated: August 29, 2022

Kilolo Kijakazi,

Jody Lynn Wiedenbeck

By Her Attorneys

By Her Attorney

Carla B. Freedman,  
United States Attorney

/s/ Christine A. Saad<sup>2</sup>  
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<sup>2</sup> Signed by Justin M. Goldstein with Christine A. Saad's permission.